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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,966	10/15/2004	Joshua Montgomery	03292.101090.15	5965
66569 7590 05/21/2007 FITZPATRICK CELLA (AMEX) 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER REYES, MARIELA D	
			ART UNIT 2167	PAPER NUMBER
			MAIL DATE 05/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/711,966	Applicant(s) MONTGOMERY ET AL.	
	Examiner Mariela D. Reyes	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action has been issued in response to the amendment filed on March 5th, 2007. Claims 1-17 have been cancelled and new claims 18-28 have been added.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deaton (US PG Pub 2002/0179704) in view of Marks (US PG Pub 2004/0193676).

With respect to independent claim 18:

Deaton teaches:

A system for completing a transaction using a Radio Frequency

Identification (RFID) transaction device comprising:

A URL being associated with a user account number; and (Paragraph [0057], discloses that the address of the digital wallet (which includes the account number) is associated with a URL)

A merchant system comprising a point of interaction (POI) device, the POI device being configured (Paragraph [0062], discloses a retail terminal or kiosk)

To use the URL to access at least one of a third party and an issuer, wherein in response to the access using the URL, the at least one of the third party and the issuer transmits the user account number (gift certificate, which is information needed to complete the transaction) to the POI device to allow completion of the transaction, and (Paragraph [0062], discloses that the URL is used to access the digital wallet information stored in the URL, and this information (such as gift certificate) is then sent back to the merchant)

To use the user account number to proceed with completion of the transaction. (Paragraph [0062], discloses that the gift certificate is then used to complete the transaction)

Deaton doesn't appear to explicitly disclose **an RFID transaction device comprising a transaction device database for storing a Uniform Resource Locator (URL) and to receive the URL from the RFID transaction device**

Marks teaches **an RFID transaction device comprising a transaction device database for storing a Uniform Resource Locator (URL) and** (Paragraph [0005], discloses that a RFID stores a URL) **to receive the URL from the RFID transaction device.** (Paragraph [0005], discloses that the URL will be received from the RFID, this would allow for client privacy because the URL that stores the information is stored in a card that the only the user has access to)

It would be obvious for one with ordinary skill in the art at the time of the invention to combine the teachings in the cited references to implement **an RFID transaction device comprising a transaction device database for storing a**

Uniform Resource Locator (URL) and to receive the URL from the RFID transaction device because this would allow for client privacy because the URL that stores the information is stored in a card that the only the user has access to.

With respect to claim 19:

Deaton teaches:

The POI device is further configured to provide a transaction request to the at least one of the third party and the issuer to allow completion of the transaction, and (Paragraph [0062], discloses that the merchant will access the gift certificate information and after that the transaction will be completed)

Wherein the transaction request comprises the user account number and a merchant system identifier. (Paragraph [0062], discloses that when the merchant is accessing the URL that URL has a user account, therefore identifying the user and a merchant id)

With respect to claim 20:

Deaton teaches:

The POI device is further configured to transmit a POI device identifier to the at least one of the third party and the issuer, and wherein in response to receiving the POI device identifier, the at least one of the third party and the issuer validates the POI device using the POI device identifier. (Paragraph [0062],

discloses that a merchant communicates with the URL, therefore it would be obvious that the merchant have an id so that the transaction is validated)

With respect to claim 21:

Deaton teaches:

The transmission of the URL to the merchant system is performed in a contact less manner. (Paragraph [0062], discloses that the URL can be transmitted through a RFID card)

With respect to claim 22:

Deaton teaches:

The merchant system is configured to store the URL for use in future transactions. (Paragraph [0062], discloses that the merchant will close the transaction after receiving the information however it would be inherent that the merchant will store this URL for use in future transactions)

With respect to claim 23:

Deaton doesn't appear to explicitly disclose that **the transaction device database stores a plurality of URLs for use in different markets.**

Marks teaches that **the transaction device database stores a plurality of URLs for use in different markets.** (Paragraph [0008], discloses that the URL is modified based in the user preferences)

With respect to independent claim 24:

Deaton teaches:

A method for completing a transaction using a Radio Frequency Identification (RFID) transaction device, the method comprising:

The URL being associated with a user account number; (Paragraph [0057], discloses that the address of the digital wallet (which includes the account number) is associated with a URL)

Accessing at least one of a third party and an issuer using the URL; (Paragraph [0062], discloses that the URL will point the merchant to a third party who stores transaction information)

Receiving from the at least one of the third party and the issuer, in response to the access using the URL, the user account number (gift certificate, which is information needed to complete the transaction) to allow completion of the transaction by the POI device; and (Paragraph [0062], discloses that the URL is used to access the digital wallet information stored in the URL, and this information (such as gift certificate) is then sent back to the merchant)

Using the user account number to proceed with completion of the transaction. (Paragraph [0062], discloses that the gift certificate is then used to complete the transaction)

Deaton doesn't appear to explicitly disclose **transmitting at least one Uniform Resource Locator (URL) from an RFID transaction device to a point of interaction (POI) device of a merchant system.**

Marks teaches **transmitting at least one Uniform Resource Locator (URL) from an RFID transaction device to a point of interaction (POI) device of a merchant system.** (Paragraph [0005], discloses that the URL will be received from the RFID, this would allow for client privacy because the URL that stores the information is stored in a card that the only the user has access to)

It would be obvious for one with ordinary skill in the art at the time of the invention to combine the teachings in the cited references to implement **transmitting at least one Uniform Resource Locator (URL) from an RFID transaction device to a point of interaction (POI) device of a merchant system** because this would allow for client privacy because the URL that stores the information is stored in a card that the only the user has access to.

With respect to claim 25:

Deaton teaches:

Providing a transaction request to the at least one of the third party and the issuer to allow completion of the transaction, (Paragraph [0062], discloses that the merchant will access the gift certificate information and after that the transaction will be completed) **wherein the transaction request comprises the user account number and a merchant system identifier.** (Paragraph [0062], discloses that when the merchant is accessing the URL that URL has a user account, therefore identifying the user and a merchant id)

With respect to claim 26:

Deaton teaches:

Transmitting a POI device identifier to the at least one of the third party and the issuer, wherein in response to receiving the POI device identifier, the at least one of the third party and the issuer validates the POI device using the POI device identifier. (Paragraph [0062], discloses that a merchant communicates with the URL, therefore it would be obvious that the merchant have an id so that the transaction is validated)

With respect to claim 27:

Deaton teaches:

The transmission of the URL to the merchant system is performed in a contact less manner. (Paragraph [0062], discloses that the URL can be transmitted through a RFID card)

With respect to claim 28:

Deaton teaches:

Storing the URL in the merchant system for use in future transactions.

(Paragraph [0062], discloses that the merchant will close the transaction after receiving the information however it would be inherent that the merchant will store this URL for use in future transactions)

Response to Arguments

Claim Rejections 35 USC 112

With respect to the 35 USC 112 rejections, because of the cancellation of the claims the rejections have been withdrawn.

Claim Rejections 35 USC 102

With respect to the 35 USC 102 rejections, because of the cancellation of the claims the rejections have been withdrawn.

Claim Rejections 35 USC 103

With respect to the 35 USC 103 rejections, because of the cancellation of the claims the rejections have been withdrawn.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariela D. Reyes whose telephone number is (571) 270-1006. The examiner can normally be reached on M - F 7:30- 5:00 East time.

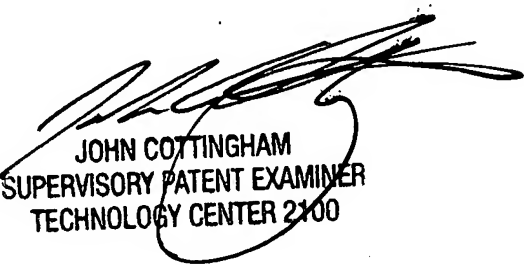
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2167

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MR May 10th, 2007
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JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100